THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16112 of 1997

Dated 16-04-2007

Between:
M.Balakrishana & others.

..... PETITIONERS

AND

The Executive Officer, T.T.D. Tirupathi, Chittoor District. & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16112 of 1997

O R D E R:

Heard Sri P.Gangarami Reddy, learned counsel for the petitioner, and Sri A.K.JayaPrakash Rao, learned standing counsel appearing for the respondents. No counter affidavit has, however, been filed on behalf of the respondents.

Facts, in brief, are that the petitioner was appointed as a cleaner in the transport department of Tirumala Tirupathi Devasthanam (for short 'T.T.D') in the year 1984. The said department was merged with the APSRTC on 10-08-1975. On 21-12-1978 all the posts of cleaners in T.T.D. were converted as helpers and their pay was fixed in the scale of Rs.240-10-420/-. According to the petitioner, there were no posts of cleaners and, under the T.T.D. rules, the posts of Helpers, Tyreman and Hammerman were equivalent to the erstwhile post of cleaner. Petitioner would contend that, ever since he has been appointed, he has been discharging the duties of a cleaner. Petitioner would refer to W.P.No.13429 of 1988 filed by

Sri B.V.Raghava Reddy and 22 others before this Court seeking a direction that they be treated as helpers and to fix their pay in the scale of Rs.240-10-420/-. The said writ petition was allowed and the respondents were directed to treat the petitioners as being entitled to the revised scale of pay of Rs.240-10-420/- and to be treated, for all other purposes, as equivalent to that of helpers. Petitioner would claim that the respondents had implemented the orders of this Court and, since he was also similarly situated, the respondents ought to have also extended to him the benefit granted by this Court in W.P.No.13429 of 1988. Petitioner would contend that he has been

denied the said benefit only bcause he was not party to the said writ petition. Petitioner would contend that he was appointed along with one Sri Veera Raghavulu and others in the year 1984 and, in pursuance of the directions of this Court in W.P.No.13429 of 1988, persons who were appointed with him and were shown below him, were paid the scale of pay of Rs.240-10-420/- from the date of their respective appointments as cleaners and despite his request to be similarly treated, he was denied the said benefit resulting in persons who were appointed along with him drawing more salary than him.

The petitioner's claim of parity with Sri B.Veera Raghavulu and 22 others, who were petitioners in W.P.No.13429 of 1988, must necessarily be examined by the respondent-T.T.D and it is only if it is established that the petitioner is similarly situated, would he also be entitled to the benefit of the order passed by this Court in W.P.No.13429 of 1988 dated 02-03-1995.

During the pendency of this writ petition, the petitioner died and, as a result, his wife and children (petitioners 2 to 4) were brought on record as his legal representatives.

Ends of justice would be met if the first respondent is directed to consider the case of the petitioner for being extended the benefit of the pay scale of Rs.240-10-420/- from the date of his original appointment, in terms of the orders of this Court in W.P.No.13429 of 1988 dated 02-03-1995, and pass appropriate orders, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

16-04-2007

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